

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CASH MONEY RECORDS, INC.,

Plaintiff,

-against-

08 Civ. 8706 (DAB)

ORDER

AMALGAM ENTERTAINMENT, LLC and JOHN
DOES #1-#10,

Defendants.

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DEBORAH A. BATTS, United States District Judge.

The Complaint in this action was filed on October 10, 2008 and served on Defendant Amalgam Entertainment, the only named Defendant, on October 14, 2008. To date, the Court's records indicate that Defendant has neither filed an Answer nor responded to the Complaint in any way.

On January 29, 2009, the Court ordered Plaintiff to show cause as to why this action should not be dismissed for failure to prosecute. In a letter dated February 12, 2009, Plaintiff represented to the Court that Parties were working to settle the action, and that if Parties were not successful in settling the matter by February 28, 2009, Defendant would file its Answer no later than March 20, 2009. To date, the Court has received no indication that Parties have settled, and Defendant has not filed an Answer or responded to the Complaint in any way. On May 27, 2009, the Court therefore ordered Plaintiff to show cause as to

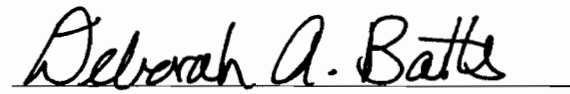
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why its cause of action should not be dismissed for failure to prosecute.

Plaintiff's time to show good cause by affidavit expired on June 26, 2009. To date, no affidavit has been filed with the Clerk of Court. Accordingly, this case is HEREBY DISMISSED, with prejudice, for failure to prosecute. The Clerk of Court is directed to close the docket for this case. See Lyell Theatre Corp. v. Loews Corp., 682 F.2d 37, 42 (2d Cir. 1982).

SO ORDERED.

Dated: New York, New York
August 14, 2009


Deborah A. Batts
United States District Judge